Comments on the DHHS/OHRP Draft Interim Guidance regarding Conflict of Interest
February 27, 2001

General comments:
* The draft addresses institutional as well as investigator conflicts of interest. To date the public dialogue on conflict of interest has focused on the investigator. Although institutional conflicts of interest are obviously of concern, there has not been much public discussion. In view of this, it may be premature for DHHS/OHRP to propose specific guidance for institutional conflict of interest.
* The draft assigns a number of roles to the IRB. While there should be coordination between the IRB and any institutional Conflict of Interest Committee, some of the proposed IRB roles would duplicate those of such a Conflict of Interest Committee. Resultant second-guessing would introduce confusion. In addition, the IRB would be in receipt of information regarding institutional and investigator financial relationships that do not even reach the level of potential conflict. Simply receiving such information introduces the 'responsibility of knowing.' Do IRBs have the expertise or context to evaluate this information? What will they do with this information? Do IRBs have or will they get the additional guidance, time and support needed to fully evaluate this information, if they receive it?
* The DHHS/OHRP draft has internal inconsistencies regarding what information should be reported to the Conflict of Interest Committee. All practical policies on conflict of interest rely on the initial act of self-identification, in order to avoid losing the important information in a sea of irrelevant information. It is not clear whether this guidance document would allow a self-identification system. For example, section 2.2 states that "any agreements between Investigators and a sponsor should be reviewed" by the Conflict of Interest Committee-this could require the reporting of all financial interests. Clarification of intent is required.

Specific comments by Section:
1.1 The PHS regulations that are referenced should be provided as an appendix.
The authors should be consistent when using "conflict of interest" or "financial conflict of interest."
1.8 Clarification requested:
This section requires that "any financial relationship" that the institution has with a commercial sponsor should be submitted to the Chair/Staff of the IRB. If the Institutional Conflict of Interest Committee has already reviewed the information why does the IRB need to receive this 'raw data?' This could be duplicative and potentially add confusion.

2.2 Clarification requested:
"Any agreements between Investigators and a sponsor should be reviewed by the Institution's Conflict of Interest Committee or equivalent body." Many institutions (as well as PHS regulations) have defined thresholds that trigger referral to a Conflict of Interest Committee. The draft guidance says that "any agreements" should be reviewed-does this preclude the use of a threshold? Use of a threshold is, in our experience, essential to avoid overload of the review process with trivial situations such as a single honorarium of conventional magnitude. Please clarify.

4.1 Clarification requested:
Most Conflict of Interest Committees not only identify the existence of a financial conflict of interest, but they also determine how it can be handled. Section 4.1 suggests that the IRB will determine how the conflict will be handled. The roles and responsibilities of the Conflict of Interest Committee and the IRB need better clarification and coordination.
Since the Conflict of Interest Committee also handles a broader range of situations (non-clinical research as well as clinical research) it is better equipped to perform this function.

4.2 Clarification requested:
"All IRBs should be cognizant of the source of funding and funding arrangement for each protocol they review...." The source of funding is known to the IRB. But, how much detail of the "funding arrangement" are you suggesting that the IRB receive? This should be carefully considered keeping in mind the expertise of the IRB as well as the time required for this review. In addition, please clarify what is meant by the last phrase "...for the funding the IRBs review of each protocol."

5.1 Clarification requested:
Does this section address the "source of funding and funding relationships" of the research protocol itself? Or does it address the funding of the IRB process? Please clarify.

P. Pearl O'Rourke, M.D.
Director, Human Research Affairs
Partners HealthCare Systems, Inc.
Boston, MA